

REMARKS

Claims 1-11 are all the claims currently pending in this Application.

Claim Amendments

With this Amendment, claim 1 is amended for improved clarity.

Claim Rejections

Claims 1-5 and 8 are listed as rejected under 35 U.S.C. § 102(a) as allegedly unpatentable over Baba ("Sixth International Conference on Miniaturized Chemical and Biochemical Analysis Systems" (Micro Total Analysis Systems, 2002) 11-3-2002, Vol. 2, pp. 763-765) in view of Pare (U.S. Patent 5,732,476). Applicants note that while the Office Action lists these claims as rejected over Sano and Pare, the Examiner has indicated that in this instance "Sano" is a reference to the above-mentioned Baba article which is co-authored by Sano. Applicants also understand that the reference to 35 U.S.C. § 102(a) is a typographical error and that the Examiner intended to reject these claims over these reference under 35 U.S.C. § 103(a). Claims 6, 7, 10, and 11 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Sano in view of Pare and Apffel (U.S. Patent 5,705,813). Claims 1-8, 10, and 11 are listed as rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Sano in view of Pare. However, in this rejection, the Examiner also makes reference to the teachings of Apffel. Therefore, Applicants understand that the Examiner intended to reject claims 1-5 and 8 over Sano and Pare and claims 6, 7, 10, and 11 over Sano, Pare, and Apffel. The Examiner lists claim 9 as rejected on the cover sheet, but fails to treat claim 9 in the body of the rejection. Therefore, Applicants submit that if the Examiner intends to reject claim 9 that a rejection be made in a new, non-final Office Action.

Regarding the above-discussed rejections, Applicants submit that the stripes and spaces of the apparatus of Baba would not be considered to be a sample drying device or a sample drying area, as claimed, by one of skill in the art. Similarly, one of skill in the art would not have been motivated to combine the Baba article with the apparatus of Pare, as suggested by the Examiner because Baba is directed to a method and apparatus for DNA sieving and is unrelated to the Pare method and apparatus for microwave-assisted separations.

Additionally, Applicants submit that the cited combinations of references fail to teach or suggest a sample drying area disposed at an end of a channel, as claimed, and comprising a fine channel narrower than the channel. The Examiner refers to the “stripe” portion of Baba as teaching the claimed sample drying area, and the “space” portion as teaching the claimed channel. However, the “stripe” portion of Baba is not located at an end of the “space” portion. Further, due to the use of the Baba apparatus for DNA sieving, one of skill in the art would not have been motivated to provide the “stripe” portion at an end of the “space” portion.

Applicants submit that the other cited reference also fail to remedy the deficiencies of Baba.

Applicants respectfully request that the above-discussed claim rejections be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

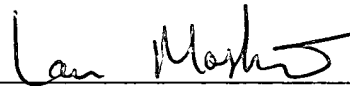
RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/536,767

Q88071

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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